

STATE OF NORTH CAROLINA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

3:04 CV 253

INSERVE CORP., for itself and in its capacity as  
plan administrator of the InServe Corporation  
Employee Benefit Plan; INSERVE  
CORPORATION EMPLOYEE BENEFIT PLAN

Plaintiff

vs.


DESIGNATION OF MEDIATOR  
(BY AGREEMENT -GS 7A-38.1)

EMPLOYEE BENEFIT SERVICES, INC.

Defendants

THE UNDERSIGNED, James M. Shannonhouse, Attorney, INTERCEDE Mediation/ADR Services, respectfully shows unto the Court that counsel for the parties herein have selected Jackson N. Steele Esq. to be appointed as Mediator herein pursuant to the Rules Governing Mediated Settlement Conferences. The Mediator's compensation is agreed to be at the rate of \$275 per hour for time expended in furtherance of mediation and an administrative fee of \$82.00 per party.

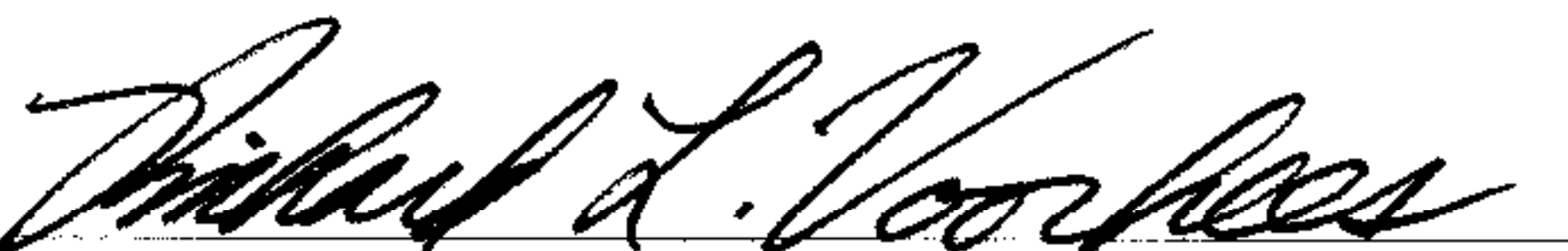
Respectfully submitted: Friday, August 05, 2005

  
James M. Shannonhouse, Esquire  
INTERCEDE Mediation/ADR Services  
212 S. Tryon St., Ste. 1560  
Charlotte, NC 28281

ORDER DESIGNATING MEDIATOR

FOR GOOD CAUSE SHOWN, Jackson N. Steele Esq. is hereby appointed as Mediator herein and is authorized to conduct the Mediated Settlement Conference according to the Rules Governing Mediated Settlement Conferences in District Court Actions, the mediator's fee to be \$275 per hour for time expended in furtherance of the mediation and \$82.00 per party administrative fee. Said Mediator shall be responsible for reserving a place and making arrangements for the conference, scheduling the conference, and giving timely notice to all attorneys and unrepresented parties thereof. The Mediated Settlement Conference shall be completed by Friday, September 30, 2005, and the Mediator shall report the results of the conference to the Court on Form AOC-CV-813, Report of Mediator, within 10 days after the conference is completed.

This the 10<sup>th</sup> day of August, 2005



District Court Judge